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Attorneys for Plaintiff, EdiZONE, LC

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

EDIZONE, LC, a Utah limited liability company,  
Plaintiff,

vs.

ADVANCED COMFORT TECHNOLOGY, INC., A Utah corporation, ROBERT K. RASMUSSEN, KAE RASMUSSEN, SHAWN CLARK, AND TOM HILDT, FISHER ENTERPRISES, INC. d b a FISHER HOME FURNISHING AND FISHERS CLEARANCE CENTER, JOHN DOE #1 (Owner of the Riverdale, Utah Intelli-Bed store), JOHN, DOE #2 (Owner of the Taylorsville, Utah Intelli-Bed Store), John Doe #3 (Owner of the Austin, Texas Intelli-Bed Store), John Does #4-#20 (any other Owners of Intelli-Bed stores other than ACTI) and John Does #21-#50 (any other retailers selling Intelli-Beds),

Defendants.

**PLAINTIFF'S NOTICE OF DISMISSAL  
WITHOUT PREJUDICE**

Civil No. 2:08-CV-00783 CW

Judge Clark Waddoups

Pursuant to Fed.R.Civ.P. 41(a)(1)(A)(i), Plaintiff, EdiZONE, LC, hereby notifies the Court and Defendants, by and through their counsel, that Plaintiff dismisses this action without prejudice. No Court order is necessary inasmuch as no Defendant has served upon Plaintiff either an answer to the complaint or a motion for summary judgment.

DATED this 11<sup>th</sup> day of December, 2009

EdiZONE, LC

/s/Casey K. McGarvey/  
Casey K. McGarvey  
Attorney for EdiZONE, LC

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of December, 2008, I caused a true and correct copy of the within and foregoing **PLAINTIFF'S NOTICE OF DISMISSAL WITHOUT PREJUDICE** to be served electronically upon the following:

Mark M. Bettilyon (4798)  
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/s/Casey K. McGarvey/